

REMARKS

The Office action dated January 6, 2004 has been carefully considered. Claims 32, 37, 38 41, 42 and 43 remain active in this application. All other claims have been cancelled.

The rejection of claims 1-43 under 35 U.S.C. 102(e) as being anticipated by Gabai is respectfully traversed. However, in order to further the prosecution of this case, claims 1-31, 33-36, and 39 have been cancelled.

The objection to claims 37, 38 and 41 have been amended to reflect proper dependency originating from claim 32 rather than claim 31. It is submitted that the objection to these claims has been overcome.

Claim 32 has been amended to include the limitations of claim 40 and it additionally recites a video game. Claim 40 has consequently been cancelled. Gabai fails to teach, suggest or make obvious the customizing apparatus as recited in claim 32. Gabai discloses an interactive verbal game rather than a video game.

It is submitted that claims 37, 38, 41, 42 and 43 which depend from claim 32 patentably distinguish over Gabai since they contain all of the limitations of claim 32 and merely recite limitations in addition thereto.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 2, 2004

Respectfully submitted,

By 

Stanton C. Braden

Registration No.: 32,556

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

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